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NOTE: CHANGES MADE BY
THE COURT

JS - 6

11 Attorneys for Plaintiff
United States of America

12 UNITED STATES DISTRICT COURT
13
14 FOR THE CENTRAL DISTRICT OF CALIFORNIA
15 WESTERN DIVISION

16 UNITED STATES OF AMERICA,)	NO. CV 10-01863-RGK (VBKx)
)	
17 Plaintiff,)	[proposed]
)	CONSENT JUDGMENT
18 v.)	
)	
19 \$265,878.21 IN BANK FUNDS,)	
)	
20 Defendant.)	
)	

21
22 On March 15, 2010, plaintiff United States of America (the
23 "government") filed the Complaint for Forfeiture in this action,
24 seeking forfeiture of the defendant \$265,878.21 in Bank Funds
25 pursuant to 31 U.S.C. § 5317(c)(2) and 18 U.S.C. § 984. Claimant
26 New Star Wholesale, Inc. dba New Star Toys and Gifts, Inc.
27 ("New Star") denies the government's allegations and claims that it
28 is the rightful owner of the defendant.

1 The parties have agreed to settle this forfeiture action and to
2 avoid further litigation by entering into this consent judgment.

3 The Court, having been duly advised of and having considered
4 the matter, and based upon the mutual consent of the parties,
5 HEREBY ORDERS, ADJUDGES, AND DECREES **AS BETWEEN THESE PARTIES:**

6 1. This Court has jurisdiction over this action pursuant to 28
7 U.S.C. §§ 1345 and 1355.

8 2. The Complaint for Forfeiture states claims for relief
9 pursuant to 31 U.S.C. § 5317(c)(2) and 18 U.S.C. § 984.

10 3. Notice of this action has been given as required by law.
11 No appearance has been made in this action by any person other than
12 New Star. The Court deems that all other potential claimants admit
13 the allegations of the Complaint for Forfeiture to be true, and
14 hereby enters default against all other potential claimants.

15 4. For purposes of settlement, \$150,000 of the defendant
16 \$265,878.21, together with any interest accrued thereon, shall be
17 forfeited to the United States, which shall dispose of the same
18 accordingly to law.

19 5. For purposes of settlement, the government shall return
20 the remaining \$115,878.21, together with any interest accrued
21 thereon, to New Star. It is expected that said sum will be wire-
22 transferred to the client trust account of the Law Offices of James
23 S. Yan, within 6 weeks of the entry of this judgment. The Law
24 Offices of James S. Yan shall provide the information necessary to
25 effectuate the wire-transfer, including the account name and number,
26 routing number and its tax identification number.

27 6. New Star hereby releases the United States of America, the
28 State of California, all counties, municipalities and cities within

1 the State of California, and their agencies, departments, offices,
2 agents, employees and officers, including, but not limited to, the
3 United States Attorney's Office, the Drug Enforcement
4 Administration, the Internal Revenue Service and any of their
5 employees and agents, from any and all, known or unknown, claims,
6 causes of action, rights, and liabilities, including, without
7 limitation, any claim for attorney's fees, costs, or interest which
8 may be now or later asserted by or on behalf of New Star, arising
9 out of or related to this action or to the seizure or possession of
10 the defendant. New Star represents and agrees that it has not
11 assigned and is the rightful owner of such claims, causes of action
12 and rights.

13 7. New Star hereby agrees to defend, indemnify and hold
14 harmless the United States of America, the State of California, all
15 counties, municipalities and cities within the State of California,
16 and their agencies, departments, offices, agents, employees and
17 officers, including, but not limited to, the United States
18 Attorney's Office, the Drug Enforcement Administration, the Internal
19 Revenue Service and their employees and agents, from any and all,
20 known or unknown, claims, causes of action, rights, and liabilities,
21 including, without limitation, any claim for attorney's fees, costs,
22 or interest, raised or asserted by a third party in connection with
23 or related to the release of \$115,878.21 to New Star.

24 8. The Court finds that there was reasonable cause for the
25 seizure of the defendant and institution of these proceedings. This
26 judgment shall be construed as a certificate of reasonable cause
27 pursuant to 28 U.S.C. § 2465.

28 / / /

1 9. The parties shall each bear their own attorney's fees and
2 other costs and expenses of litigation.

3
4 DATED: October 22, 2010


UNITED STATES DISTRICT JUDGE

5
6 CONSENT

7 The parties consent to judgment and waive any right of appeal.

8
9 DATED: September 16, 2010

ANDRÉ BIROTTE JR.
United States Attorney

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11 ROBERT E. DUGDALE
Assistant United States Attorney
Chief, Criminal Division

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13 STEVEN R. WELK
Assistant United States Attorney
Chief, Asset Forfeiture Section

14
15 _____/s/_____
PIO S. KIM
16 Assistant United States Attorney
17 Attorneys for Plaintiff
18 United States of America

19 NEW STAR WHOLESale, INC.
20 DBA NEW STAR TOYS AND GIFTS, INC.

21 DATED: September 15, 2010

_____/s/_____
FREDDY YANG
22 President, New Star Wholesale, Inc.
23 dba New Star Toys and Gifts, Inc.

24 DATED: September 15, 2010

_____/s/_____
JAMES S. YAN
25 Attorney for Claimant
26 New Star Wholesale, Inc.
27 dba New Star Toys and Gifts, Inc.
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